

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	05-CV-0329 GKF-PJC
)	
TYSON FOODS, INC., <i>et al.</i>)	
)	
Defendants.)	

DEFENDANTS CARGILL, INC.'S AND CARGILL TURKEY PRODUCTION, LLC'S
NOTICE OF 30(B)(6) DEPOSITION TO PLAINTIFFS

TO: W. A. Drew Edmondson
Attorney General
Kelly Hunter Burch
J. Trevor Hammons
Assistant Attorneys General
State of Oklahoma
313 N.E. 21st Street
Oklahoma City, OK 73105

&

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Richard T. Garren, David Page
Sharon K. Weaver, Robert A. Nance,
D. Sharon Gentry
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Frederick C. Baker



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William H. Narwold
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You are hereby notified that pursuant to Rules 26 and 30(b)(6) of the Federal Rules of Civil Procedure, Defendants Cargill, Inc. and Cargill Turkey Production, LLC will take the oral deposition of the Plaintiffs, by and through their duly designated representative(s) at the offices of Riggs, Abney, Neal, Turpen, Orbison & Lewis, 502 W. 6th St., Tulsa, Oklahoma, 74119 on **April 3, 2009, beginning at 9:00 a.m. and continuing on April 6, 2009** until completed, before an officer authorized by law to take depositions and administer oaths and videographer on those matters set forth in the Attached Exhibit A.

This deposition is being taken for the purpose of discovery and for use at trial as well as for any other purposes permitted by law.

Dated March 13, 2009

RHODES, HIERONYMUS, JONES,
TUCKER & GABLE, PLLC

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ATTORNEYS FOR CARGILL, INC. AND CARGILL TURKEY
PRODUCTION LLC

RULE 30(b)(6) NOTICE – EXHIBIT A

I. Definitions

“Alleged Pollutant or Contaminant” means any hazardous substance, pollutant, contaminant or other material alleged by You to have harmed the Illinois River Watershed as a result of poultry industry operations, including but not limited to phosphorous / phosphorus compounds, nitrogen / nitrogen compounds, arsenic / arsenic compounds, zinc / zinc compounds, copper / copper compounds, hormones, and/or microbial pathogens.

“Cargill Defendants” means Cargill, Inc., Cargill Turkey Production, LLC and their affiliated companies, subsidiaries or divisions, and any employee, attorney, or agent thereof.

“Illinois River Watershed” or **“IRW”** means the area referenced by Hydrologic Unit Code 11110103 which is geographically bounded by the Illinois River water basin down to and including Lake Tenkiller.

“You” and **“Your”** means the State of Oklahoma, W.A. Drew Edmondson in his capacity as Attorney General of the State of Oklahoma, and the Oklahoma Secretary of the Environment J.D. Strong in his capacity as Trustee for National Resources for the State of Oklahoma, including any agency, division, office, employee, attorney, agent or other representative thereof.

II. Areas of Inquiry

A. ALLEGED HUMAN HEALTH HAZARDS

1. The human health hazards specifically caused by poultry litter / poultry waste generated by the Cargill Defendants or their contract growers;
2. The specific actions or omissions of the Cargill Defendants or their contract growers alleged to constitute the “unreasonable and substantial danger to the public’s health and safety” in ¶¶ 99, 101, 111, 112, and 114 of Your Second Amended Complaint;
3. The specific actions or omissions of the Cargill Defendants or their contract growers alleged to constitute “reckless and intentional indifference to and disregard of the public’s health and safety in the IRW, including the lands, waters and sediments therein” as stated in ¶¶ 106 and 117 of Your Second Amended Complaint, and the specific actions or omissions of the Cargill Defendants or their contract growers alleged to constitute “reckless and intentional indifference and harm to this possessory property interest of the State of Oklahoma, as well as their reckless and intentional disregard of the

public's health and safety" as stated in ¶ 125 of Your Second Amended Complaint.

4. The names and addresses of all individuals who have or may sustain health conditions specifically caused by poultry litter / poultry waste generated by the Cargill Defendants or their contract growers;
5. The names and contact information of all persons known or alleged by You to have factual information relevant to Topics 1 through 4 above and Your understanding of the substance of said persons' knowledge;
6. To the extent You are unable to identify a designee(s) with regard Topics 1 through 5 above, the reasons You are unable to identify a designee(s); and
7. To the extent You are unable to respond to Topics 1 through 4 above with information specific to the Cargill Defendants or their contract growers (as opposed to information / actions of the poultry industry generally), the reasons You are unable to provide information specific to the Cargill Defendants or their contract growers.

B. GROWER INTERACTION

8. The contractual relationship between the Cargill Defendants and their contract growers;
9. The alleged "domination and control" of the Cargill Defendants of their contract growers, both generally and as such alleged "domination and control" relates to the disposition of poultry litter;
10. The Cargill Defendants' alleged responsibility for poultry litter / poultry waste created as a result of their contract growers' operations;
11. The Cargill Defendants' responsibility, if any, for poultry litter / poultry waste created as a result of poultry industry operations not owned by the Cargill Defendants or their contract growers;
12. The names and contact information of all persons known or alleged by You to have factual information relevant to Topics 8 through 11 above and Your understanding of the substance of said persons' knowledge;
13. To the extent You are unable to identify a designee(s) with regard Topics through 12 above, the reasons You are unable to identify a designee(s); and
14. To the extent You are unable to respond to Topics 8 through 12 above with information specific to the Cargill Defendants or their contract growers (as opposed to information / actions of the poultry industry generally), the reasons You are unable to provide information specific to the Cargill Defendants or their contract growers.

C. ALLEGED LEGAL VIOLATIONS

15. The specific actions or omissions of the Cargill Defendants or their contract growers alleged to have violated the laws, rules or regulations of the United States or the State of Oklahoma;
16. The specific actions or omissions of the Cargill Defendants or their contract growers alleged to have caused pollution of the air, land or waters of the State of Oklahoma;
17. The specific actions or omissions of the Cargill Defendants or their contract growers alleged to have resulted in nuisance(s) and the nature of the alleged nuisance(s);
18. The specific actions or omissions of the Cargill Defendants or their contract growers alleged to have resulted in trespass(es) and the nature of the alleged trespass(es);
19. The names and contact information of all persons known or alleged by You to have factual information relevant to Topics 154 through 18 above and Your understanding of the substance of said persons' knowledge;
20. To the extent You are unable to identify a designee(s) with regard Topics 15 through 19 above, the reasons You are unable to identify a designee(s); and
21. To the extent You are unable to respond to Topics 15 through 19 above with information specific to the Cargill Defendants or their contract growers (as opposed to information / actions of the poultry industry generally), the reasons You are unable to provide information specific to the Cargill Defendants or their contract growers.

D. ALLEGED RUNOFF OR RELEASES

22. The dates, locations and manner in which the Cargill Defendants or their contract growers have failed to properly manage, store or dispose of their poultry litter / poultry waste;
23. The specific poultry litter / poultry waste management practices of the Cargill Defendants or their contract growers alleged to have caused runoff or releases of Alleged Pollutants or Contaminants;
24. The location and ownership of the real property that You allege was harmed or impacted by the actions of the Cargill Defendants or their contract growers;
25. Each instance of runoff or releases of Alleged Pollutants or Contaminants known or alleged by You to have occurred from property owned, managed or controlled by the Cargill Defendants or their contract growers;

26. The areas in which Alleged Pollutants or Contaminants have come to be located as a result of runoff or releases from property owned, managed or controlled by the Cargill Defendants or their contract growers;
27. The names and contact information of all persons known or alleged by You to have factual information relevant to Topics 22 through 26 above and Your understanding of the substance of said persons' knowledge;
28. To the extent You are unable to identify a designee(s) with regard Topics 22 through 27 above, the reasons You are unable to identify a designee(s); and
29. To the extent You are unable to respond to Topics 22 through 27 above with information specific to the Cargill Defendants or their contract growers (as opposed to information / actions of the poultry industry generally), the reasons You are unable to provide information specific to the Cargill Defendants or their contract growers.

E. ALLEGED POLLUTANTS OR CONTAMINANTS

30. Your first knowledge or awareness that, specifically, the operations of the Cargill Defendants or their contract growers might be a potential source of Alleged Pollutants or Contaminants;
31. The constituents or components of poultry litter / poultry waste specifically generated by the Cargill Defendants or their contract growers alleged to have harmed the environment of the IRW;
32. The constituents or components of poultry litter / poultry waste specifically generated by the Cargill Defendants or their contract growers alleged to have harmed human health in the IRW;
33. The damage, injury or harm to the IRW, if any, that is specifically attributable to the improper poultry litter / poultry waste disposal practices of the Cargill Defendants or their contract growers;
34. The costs, if any, incurred by You to remediate damage, injury or harm to the IRW specifically attributable to the alleged improper poultry litter / poultry waste disposal practices of the Cargill Defendants or their contract growers;
35. The names and contact information of all persons known or alleged by You to have factual information relevant to Topics 30 through 34 above and Your understanding of the substance of said persons' knowledge;
36. To the extent You are unable to identify a designee(s) with regard Topics 30 through 35 above, the reasons You are unable to identify a designee(s); and
37. To the extent You are unable to respond to Topics 30 through 35 above with information specific to the Cargill Defendants or their contract growers (as opposed to information / actions of the poultry industry generally), the reasons

You are unable to provide information specific to the Cargill Defendants or their contract growers.

CERTIFICATE OF SERVICE

I certify that on the 13th day of March, 2009, I electronically transmitted the attached document to the following:

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Kelly Hunter Burch, Assistant Attorney General
J. Trevor Hammons, Assistant Attorney General
Daniel Lennington, Assistant Attorney General

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I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

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TYSON CHICKEN, INC.; AND
COBB-VANTRESS, INC.**

s/ John H. Tucker